

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

In the Matter of:

GARY L. MARTIN

AND

LISA M. MARTIN

Debtors

Chapter 13

Case No. 20-10624-KHK

**OBJECTION TO CONFIRMATION OF MODIFIED PLAN,**  
**NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS OBJECTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Modified Chapter 13 Plan filed July 8, 2020. The cause for this objection is as follows:

**Violation of 11 U.S.C. §1325(a)(6) and 11 U.S.C. §1325(b)(1)(B) - Feasibility and Disposable Income.**

- Debtors' prior Plan dated March 31, 2020 proposed \$41,416.00 of funding. Debtors filed February 28, 2020 and have paid only \$1,382.00 into the Plan to date, while incurring \$3,999.82 of post-petition arrearages which they now seek to pay through Plan.
- There is no Proof of Claim for those new arrearages.
- Since Debtors have incurred post-petition debt nearly three times what they have paid into the Plan, they have moved considerably backwards.
- Debtors failure to maintain their Plan and post-petition obligations to date gives rise to concerns as to how they will make the payments in the future they have been unable to make to date.
- Most egregiously, Debtors have proposed to lower the funding from the \$41,416.00 proposed in their prior Plan down to \$32,810.00, meaning they are asking unsecured creditors to pay their post-petition mortgage obligations.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

**Notice of Objection To Confirmation**

Gary L. Martin and Lisa M. Martin, Case # 20-10624-KHK

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

***Attend the hearing to be held on August 20, 2020 at 1:30 p.m., in Courtroom III on the 3<sup>rd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste, 400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: July 28, 2020

/s/Thomas P. Gorman  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**Notice of Objection To Confirmation**

Gary L. Martin and Lisa M. Martin, Case # 20-10624-KHK

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 28<sup>th</sup> day of July, 2020, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Gary L. Martin  
Lisa M. Martin  
Chapter 13 Debtors  
3457 Goldmine Rd  
Goldvein, VA 22720

John C. Morgan, Jr., Esquire  
Attorney for Debtor  
New Day Legal, PLLC  
98 Alexandria Pike, Ste. 10  
Warrenton, VA 20186

          /s/ Thomas P. Gorman            
Thomas P. Gorman